

REMARKS

Withdrawal of the outstanding rejections and allowance of the above-identified application, in consideration of this submission, is respectfully requested.

Claims 1, 2, 4-16, 18-21 and 23-25 remain pending, of which claims 1, 4-8, 13-16, 18-21 and 23-25 were amended. Amendments were made to the claims for effecting further clarification of the subject matter to be covered including to highlight the particularities of applicants present invention over that previously known including over the art documents as cited in the outstanding rejections.

The invention according to independent claim 1 and, therefore, also according to the corresponding dependent claims thereof, as now amended, is a cardholder consisting of a one-piece transparent plastic material forming a magnifying lens and configured as a rectangle-shaped cardholder with dimensions approximating a standardized card carried by a person (e.g., credit card and the like). Also according to base claim 1, the rectangle-shaped card holder has (i) a lens viewing portion and (ii) at least one pair of tracks along parallel edges of the cardholder for slipping on and off one or more standardized cards, the pair of tracks are formed of folded tab-like extensions of the one-piece plastic material at a pair of opposing edges of the rectangle. The descriptive language in the corresponding dependent claims of base claim 1 was also amended, as deemed appropriate, such as to conform to the revisions implemented in independent claim 1. Also, a number of the dependent claims were amended to change the claim dependencies thereof in view of the canceling of intervening claim 3. The further limiting aspects of original claim 3 are now contained, although differently presented, in independent claim 1. An example of that covered by claims 1+, as now amended, is described with regard to the example showing in Fig. 1 of the drawings.

Claims 14+ and 21+ were also amended to highlight that the technique of making a cardholder is directed to a one-piece magnifying lens cardholder (see independent claims 14 and 21). Also according to claims 14 and 21, the tab-like extensions, which are the basis for forming the pair of tracks of the cardholder, represent tab-like extensions of the same one-piece clear plastic sheet, itself. Also, in both independent claims 14 and 21, the one-piece clear plastic sheet is provided with fresnel contour lines, which is taken from that previously included in the now canceled claims 17 and 22. Example embodiments directed to the method of manufacture set forth in claims 14+ and 21+ are described in connection with Figs. 2-5 of the drawings as well as with regard to the process flow charts shown in Figs. 6A, 6B and 6C of the drawings.

As can be seen from the different phases involved in the manufacture of the cardholder such as shown in Fig. 1 of the drawings (see Figs. 2-5), the cardholder 10, which is for holding a standardized card as well as for use as a magnifying lens, is made from a one piece transparent plastic material (sheet) such as thermoplastic material including polyvinyl chloride (PVC), polycarbonate, polyester, and the like (pages 8-9, paragraph [0021]). The one-piece fresnel lens cardholder 10 in Fig. 1 shows a lens viewing portion and a pair of tracks along the pair of longitudinal edges of the card holder. The fresnel viewing portion 14 covers a size, shape and position that is not limited to the elongated rectangle shown in Fig. 1. The pair of opposing folded edges 16 which form the tracks of the cardholder are formed of folded tab-like extensions of the one-piece plastic material at a pair of parallel edges of the rectangle (see Figs. 4 and 5). In the illustrated example, the tracks formed are J-shaped, allowing the slipping on and off of a standardized card such as a credit card or debit card which may contain a magnetic stripe or an IC chip such as in connection with smartcards and the like. In Fig. 1,

the J-shaped tracks are extended along the same direction as the elongated rectangle-shaped lens viewing portion 14, although not limited thereto (see claims 6-7, 10 as well as claims 2 and 9). The cardholder may also contain a cut-a-way at each of both of the other pair of opposing edges of the rectangle so as to enable easy removal of a card from the card holder (e.g., in Fig. 1, 2 semicircular cut-a-ways 18 are provided on the pair of shorter edges of the rectangle). To piggyback the card holder 10 onto a standardized card, an individual merely slips the holder onto a card via the pair of tracks. Detailed discussion regarding the example Fig. 1 embodiment is given from page 8, paragraph [0021], to page 11, paragraph [0025]. The details regarding the method of making of the cardholder are given beginning on page 11, paragraph [0026]. It is submitted, the invention according to claims 1+, 14+ and 21+ is not only an improvement over that previously known but, moreover, could not have been realized in the manner as that alleged in the outstanding rejections.

The one-piece cardholder of the present invention, constituted by a one-piece clear plastic material, may be coated on either side thereof, except for the viewing portion (e.g., 14) of the cardholder, with an opaque finish (e.g., a painted finish). This optional featured aspect enhances the practicalities of the present invention including to highlight the location of the fresnel magnifying lens viewing portion (if it is limited to a particular portion thereof) and, correspondingly, to define the blank base portion (e.g., 12) which defines the area where an individual may make finger contact on the holder (see page 10-11, paragraph [0024] and claims 5 and 8).

According to the outstanding Office Action, claims 1-4 and 6-7 stand rejected "under the judicially create doctrine of obviousness-type double patenting" over the claims of the inventor's prior U.S. Patent 5, 999,336 (henceforth referred to

as Yang '336) in view of Galiani and, alternatively, stand rejected under 35 USC §103(a) over the same combination of references; claims 5 and 8-25 stand rejected "under the judicially created doctrine of obviousness-type double patenting" over the claimed disclosure of Yang '336 in view of Galiani, *supra*, and further in view of Finkelstein et al. (USP 6,176,430) (henceforth referred to as Finkelstein et al '430) and, alternatively, were rejected under 35 USC §103(a) over the same combination of references; claims 1-4 and 6-7 stand rejected under 35 USC §103(a) as unpatentable over Galiani, alone; and claims 5 and 8-25 stand rejected under 35 USC §103(a) over Galiani in view of Finkelstein et al '430. As will be shown hereinbelow, the invention according to claims 1, 2, 4-16, 18-21 and 23-25 could not have been rendered obvious in the manner alleged in the outstanding rejections. Therefore, these rejections insofar as presently applicable, are traversed and reconsideration and withdrawal of the same is respectfully respected.

It is noted that both Yang '336 and Galiani are discussed in the background section of the present application. The Examiner has also currently cited USP 5,610,770 to Galiani, which, it is noted, is based on a continuation of Galiani's earlier patent, USP 5,610,770, discussed in the present application. Also, Finkelstein et al '430 is based on a Continuation-in-Part of Finkelstein et al's prior U.S. patents, three of which are discussed in the background section of the present application.

As specifically discussed in the present Specification, in Yang Jr., '336, the fresnel magnifying lens is composed of a base or backplate made, for example, by injection molding with two (2) parallel J-shaped tracks to which a separately formed fresnel lens is attached to form a magnifying lens cardholder. On the other hand, since the cardholder (e.g., 10 in Fig. 1) of the present invention is constituted by a one-piece transparent sheet (material) made from the same transparent material

(e.g., thermoplastic material) as that employed in the making of the magnifying lens such as the fresnel magnifying lens, the cardholder itself becomes an integral part of the fresnel lens and the lens, in turn, also becomes an integral part of the cardholder. That is, the present invention eliminates the requirement for a separate backplate. The fresnel lens is formed directly onto a sheet of optically transparent thermoplastic material such as PVC, polycarbonate, polyester or any other similar type material. Then, it is, for example, die cut into the shape of the credit card having, also, tab-like extensions of the plastic sheet provided at a pair of opposing edges of the rectangle. These tab-like extensions of the plastic sheet are then heated and bended, for example, 180° to form the pair of J-shaped tracks.

While Yang's older version (Yang Jr., '336) requires two components to form the credit card holder, namely, a backplate and a fresnel lens, the present invention requires only one component, the clear plastic sheet which forms the fresnel lens. That is, the new cardholder is simpler to make in that it eliminates the need of an additional one or two other components, especially the need for a separate backplate which is required in Yang Jr., '336. Discussion regarding the differences and/or improvements of the inventor's present invention over that of Yang Jr., '336 are extensively given in the Specification (see the discussion beginning in paragraph [0006], on page 3, and the discussion beginning in paragraph [0023], page 10, of the present Specification. For example, due to the elimination of at least one part, the present invention leads to a significant savings in labor, time as well as cost involved in the manufacture thereof. Moreover, since the cardholder is made of the same thin thermoplastic material as that employed for making the magnifying lens, it makes it possible for the new holder to be substantially thinner which leads to better fitting of the cardholder into the card compartments of averaged sized wallets/purses. Moreover, the durability of the cardholder is improved noting that

the magnifier lens cannot be separated from the cardholder since it is an integral part of the cardholder and the cardholder is an integral part of the fresnel lens window.

Galiani '770 (and '347) disclose a lens magnification scheme for use with booklets (including menus) to magnify printed matter on selected pages for reading. In accordance with Galiani's disclosure, generally, the fresnel lens that is attached to a menu/booklet holder and the like is through a system of pivotal arms, mechanical connectors and linkages. An example of this is given in connection with Figs. 1-6 of the drawings and is discussed beginning in column 4, line 60. With regard to the example given in Figs. 1-6, in Galiani, the booklet assembly has a magnification system 10 including cover sheets 12 and 14 to define the cover structure for the booklet. The cover sheets are preferably transparent or translucent and may also be composed of polymer materials or heavy paper materials including relatively rigid or flexible varieties and used as an outside cover for the booklets. Since the booklets may include other internal sheets/pages such as in connection with text or multi-sheet menu folders, Galiani's scheme provides for magnification of the printed matter such as to view the print on the individual pages of the booklet/menus. Element 62 in Galiani represents a fresnel lens which can be pivoted, as shown in Figs. 2 and 6, to enable selective magnification for any one of a number of pages of a multi-page booklet and to permit magnification of the inner surface of the cover sheets as well. This can be seen especially with regard to Fig. 6 of the drawings. The opposed pivot mounts 48 and 50 can be moved even to the extremities of the support arms 44 and 46 and may be pivoted to a transverse relation with the support arms to enable the various pages of the booklet to be turned beneath the lens. The lens is then moved along the length of the support by movement of the its pivotal mount assemblies, thus enabling it to be placed in

appropriately spaced, parallel relation with the page to be magnified. This feature enables the lens to be positioned for magnification of the inside surface cover sheets of the booklet as well as any of the multiple pages thereof. (Column 6, line 62, to column 7, line 13, in Galiani '770.)

The fresnel lens 62 according to the embodiment shown in Figs. 1-6 of Galiani is a separate element and, in fact, it is also separate from the lens mounting frame 60 to which it is attached. (See column 6, line 17 et seq.) Also, the pivotal arms and related parts to which the fresnel lens frame is attached represent an additional number of parts, which is clearly contrary to present claims 1+, 14+ and 21+ (see the related discussion in Galiani '770 regarding Figs. 2-5). Incidentally, the pivot frame structure at 22 includes an elongate, substantially straight base section 24 provided with a pair of pivot connector elements 26 and 28 (see Figs. 2, 3 and 4). As can be seen from Figs. 3 and 4, elements 26 and 28 are spring action hooks for holding the pivot frame structure onto the booklet 10. These are amongst numerous separately formed parts required by Galiani, in clear contradistinction with that of the present invention. They are not "tab-like extensions" as that presently called for.

The remaining disclosed embodiments in Galiani are also considerably different from that of the present invention. With regard to Fig. 7 thereof, the lens 88 is provided with a rectangular frame structure 90 having a frame section 92 and also having an accordion folded connector 94 connected thereto. The connector 94 enables the lengths to be pivotally oriented to magnify the pictorial or printed matter on either of the booklet pages. Fig. 8 in Galiani '770 shows a scheme which permits booklets with many pages to be viewed with magnification. (Column 7, lines 24-42 and lines 43-55). It is submitted, all of the examples disclosed by Galiani employ separately formed fresnel lens sheets that are either attached to a book holder by a mechanical pivoting means or through separately formed accordion like connectors.

It is submitted, there is neither discussion or suggestion by Galiani or, for that matter, even in view of the combined teachings of Yang Jr. '336 and Galiani, that would have led to achieving a one-piece magnifying lens cardholder scheme as that called for in claims 1+, 14+ and 21+.

Finkelstein et al '430, similarly to that of Finkelstein et al's earlier patents, discloses a technique incorporating a fresnel magnifier into a machine readable card such as a financial card. This card is capable of accommodating encoded data and graphics as required by financial institutions. The fresnel magnifying window serves as a visual aid to help its users detect the accuracy of the printed receipts, such as a point of sale. Unlike that of the present invention, Finkelstein et al disclosed a scheme in which the fresnel lens is an integral part of the card. In contrast, the present invention is not a card such as a credit card or smartcard and, moreover, the magnifying lens is not an integral part of any such card.

The use of certain types of materials for the formation of a fresnel lens does not in and of itself constitute the present invention. The present invention is as set forth according to claims 1+, 14+ and 21+. Finkelstein et al '430, it is observed, does not overcome the deficiencies of Galiani or, for that matter, of Yang Jr. '336 in view of Galiani. It is submitted, there is no teaching, even based on the combined teachings of Yang Jr, '336, Galiani and Finkelstein et al '430, that would have led one of ordinary skill to achieve a cardholder scheme consisting of a one-piece transparent plastic material forming a magnifying lens and configured according to claim 1+. Applicant's submit, also, there is no evidence of suggestion even over these three combined references that would have led to a manufacturing scheme, for such a cardholder, as that presently set forth in claims 14+ and 21+.

It is also argued that a one piece construction, in effect, is a matter of design choice. However, the invention features a scheme in which, by its nature, the

cardholder itself is an integral part of the fresnel lens and the lens, in turn, is an integral part of the cardholder because both the cardholder and the lens are made from the fresnel lens sheet. The cardholder is not strictly a cardholder but is a fresnel lens that is also usable as a cardholder. Assuming, *arguendo*, one of ordinary skill can argue that a cardholder by itself can be manufactured via the same material, the present invention, however, calls for a cardholder that is usable as a fresnel lens, in effect. Such, it is submitted, could not have been achievable in a manner as that suggested in the outstanding rejections.

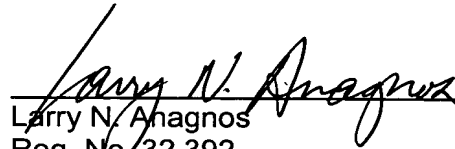
Therefore, in view of the amendments presented hereinabove, together with these accompanying remarks, reconsideration and withdrawal of the outstanding rejections as well as favorable action on all of the pending claims and an early formal notification of allowability of the above-identified application is respectfully requested.

If the Examiner deems that questions and/or issues still remain which would prevent the present application from being allowed at the present time, he is urgently invited to telephone to telephone the undersigned representative, at the no.

indicated below, so that either a telephone or personal interview may be arranged at the Examiner's convenience in order to discuss the same and hopefully resolve any remaining questions/issues present.

To the extent necessary, applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including Extension of Time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Dep. Acct. No. 01-2135 (012.43208X00), and please credit any excess fees to such deposit account.

Respectfully submitted,
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